



The magistrate judge concluded that Webb's petition was a successive petition filed by a state prisoner, and recommended that it be dismissed pursuant to 28 U.S.C. § 2244(b)(1). Furthermore, the magistrate judge concluded that Webb is barred from pursuing a successive motion without leave of the appropriate circuit court of appeals. See Id. § 2244(b)(3). In her objections, Webb provided no evidence that she has received such leave. Therefore, the court concludes that the motion must be dismissed as successive. Accordingly,

The court accepts the findings, conclusions and recommendation of the magistrate judge and ORDERS that the petition in this action be, and is hereby, dismissed pursuant to 28 U.S.C. § 2244(b)(1) as successive.

SIGNED September 30, 2005.



JOHN MCBRYDE  
United States District Judge